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09/982,211	10/17/2001	James Shuder	SUN-P6552 US/NC	7395
7590 10/12/2007 ROBERT C. KOWERT MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P. O. BOX 398 AUSTIN,, TX 78767-0398			EXAMINER BUCHANAN, CHRISTOPHER R	
			ART UNIT 3627	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/982,211  
Filing Date: October 17, 2001  
Appellant(s): SHUDER ET AL.

**MAILED**

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**GROUP 3600**

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For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed September 18, 2006 appealing from the  
Office action mailed April 6, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

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### **WITHDRAWN REJECTIONS**

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner: the rejection of claims 1-22 under 35 U.S.C. 112 second paragraph.

#### **(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

#### **(8) Evidence Relied Upon**

US 2001/0051889 A1

HANEY

12-2001

#### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Haney (2001/0051889 A1).

Regarding claims 1, 11, and 17, Haney discloses the system and method (10) as claimed having a computer implemented procurement module (via organization 20) for processing both purchase order requisitions for goods and timecard information for services (§§ 0021, 0025, 0030), the procurement module including a buyer module (via requesting manager computer 22) for receiving information related to contractor services (via candidate's services, §§ 0026-0028) and for generating an electronic timecard in response thereto (§§ 0025, estimated work hours are determined, §§ 0030, start/end dates, labor amounts, etc., these effectively constitute a timecard), and a timecard module (via contract computer 28) receiving electronic timecards from the buyer module and for generating a purchase order based on approved electronic timecards (§§ 0025, 0030, timecard information is used to create a purchase order once approved), the purchase order for use in generating a payment for the contractor services (via submitting an invoice to organization 20, §§ 0030, 0031, the purchase order is to pay the contractor for labor).

Regarding the dependent claims, Haney further discloses a workflow module (via estimated work hours and overtime hours) coupled to the timecard module for use in allowing an approver (resource approver) to approve and decline the electronic timecards (see §§ 0025). Further, the timecard module generates an approval notification in response to receiving an electronic timecard from the buyer module (see §§ 0026). The approval notification is an electronic mail message having an approval

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form readable by the workflow module (via a CLR form), the electronic mail message transmitted to an approver related to the contractor services (see ¶ 0026). The approval form is readable by an electronic mail program and is returned to the computer implemented procurement system after being completed by the approver (see ¶s 0028-0031). The buyer module is browser based (GUI) and wherein the procurement module is hosted on a remote server system (via communication network 30). The computer implemented procurement system (via organization 20) further includes an external report generating module for generating information to be used by external applications and wherein the information is formatted using XML data (see ¶ 0036). The electronic timecard further includes a plurality of line items describing the contractor services (via presenting resumes information) having a contractor identification, a description of services rendered, an amount of hours performed for the services rendered, an hourly rate for said hours, and subtotals representing the amount of hours by the hourly rate (as illustrated in Figure 6). The timecard module includes a contractor profile for a contractor, the contractor profile including contractor identification, authorized projects for the contractor, authorized work types for the contractor, an authorized hourly rate for the contractor, and an approver for the contractor (as illustrated in Figure 4; see ¶s 0049-0051). The electronic timecard comprises a plurality of line items and wherein the approval notification comprises information from the electronic timecard and an accounting code associated with each line time of said electronic timecard (via field 614-616; as illustrated in the timesheet form Figure 6).

**(10) Response to Argument**

Appellant argues that the Haney reference does not disclose all the claimed features of the instant invention. In particular, appellant argues that Haney does not disclose a timecard module configured to generate a purchase order based on one or more approved electronic timecards, a procurement module configured to process both purchase order requisitions specifying one or more goods to be purchased and timecard information specifying time information related to one or more rendered services, or an external report generating module configured to generate information to be used by external applications and to format the information using XML data. Appellant also argues that a number of miscellaneous limitations (timecard showing services rendered, hourly rate, subtotals, contractor identification, account codes, etc.) recited in dependent claims are not disclosed by Haney.

The examiner disagrees and stands by the rejection. As noted in the rejection above, Haney discloses a timecard module (via contract computer 28) for receiving electronic timecards from a buyer module and for generating a purchase order based on approved electronic timecards (§ 0025, 0030, timecard information is used to create a purchase order once approved). The estimated work hours, start/end dates, labor amounts, etc., entered into the system (§ 0025, 0030) are interpreted by the examiner to constitute a timecard and these quantities are used to create a purchase order. From the foregoing statements, it is clear that the procurement module of Haney is configured to process both purchase order requisitions and timecard information. Furthermore, Haney discloses (§ 0036) that the system is web-based and uses e-mails to send

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notifications, which is interpreted as report generating. Most computer systems make use of HTML and XML for communication and web interaction (through a browser), so using XML to format data would be considered an inherent feature of the system. Lastly, while Haney may not explicitly disclose all of the miscellaneous limitations from dependent claims, as argued by appellant, such limitations are in widespread use in the procurement field and would be inherent in any system having the capacities of Haney's procurement module.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Christopher Buchanan

Conferees:

Ryan Zeender

Vincent Millin

  
F. RYAN ZEENDER  
PRIMARY EXAMINER